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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

January 27, 1993

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 88, C.S.S.B. 92

FINANCE — S.B. 171

**SENT TO GOVERNOR**

(January 27, 1993)

**S.C.R. 4**

**S.C.R. 6**

**SIXTH DAY**

(Continued)

(Thursday, January 28, 1993)

**AFTER RECESS**

The Senate met at 10:00 a.m. and was called to order by the President.

**CO-AUTHOR OF SENATE BILL 17**

On motion of Senator Carriker and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 17.

**CO-AUTHOR OF SENATE BILL 75**

On motion of Senator Whitmire and by unanimous consent, Senator Sibley will be shown as Co-author of S.B. 75.

**CO-AUTHOR OF SENATE BILL 89**

On motion of Senator Truan and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 89.

**CO-AUTHOR OF SENATE BILL 90**

On motion of Senator Truan and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 90.

**CO-AUTHOR OF SENATE BILL 195**

On motion of Senator Haley and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 195.

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**S.B. 194** by Haley Education  
Relating to purchase of service credit in the Teacher Retirement System  
of Texas by vocational teachers.

**S.B. 195** by Haley, Parker Economic Development  
Relating to franchise agreements for fast food restaurants; providing  
penalties.

**S.B. 196** by Carriker Natural Resources  
Relating to the residency and certain duties of public weighers.

**S.B. 197** by Armbrister, Henderson State Affairs  
Relating to rights and remedies under The Securities Act.

**S.B. 198** by Shelley Economic Development  
Relating to the creation and operation of a program to provide access to  
health insurance for employees of small groups.

**S.B. 200** by Patterson Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Relating to voting in connection with judicial and law enforcement races.

#### MESSAGE FROM THE HOUSE

House Chamber  
January 28, 1993

Mr. President: I am directed by the House to inform the Senate that the  
House has passed the following:

**S.C.R. 7**, In memory of Louis Howard Wingard.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### CAPITOL PHYSICIAN

Senator Truan was recognized and presented Dr. Sergio A. Avalos of  
Corpus Christi as the "Doctor for the Day."

The Senate welcomed Dr. Avalos and thanked him for his participation  
in the "Capitol Physician" program sponsored by the Texas Academy of  
Family Physicians.

#### COMMITTEE SUBSTITUTE

##### SENATE JOINT RESOLUTION 7 ON SECOND READING

Senator Ratliff asked unanimous consent to suspend the regular order  
of business to take up for consideration at this time:

**C.S.S.J.R. 7**, Proposing a constitutional amendment to authorize ad  
valorem taxation by county education districts. (Submitted by Governor as  
an emergency matter)

(Senator Montford in Chair)

There was objection.

Senator Ratliff then moved to suspend the regular order of business to take up C.S.S.J.R. 7 for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

**(President in Chair)**

The resolution was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Leedom, Shapiro, Nelson, and Sims asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

#### **COMMITTEE SUBSTITUTE**

##### **SENATE JOINT RESOLUTION 7 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.J.R. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Leedom, Nelson, Shapiro, Sims.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE**

##### **SENATE BILL 4 ON SECOND READING**

Senator Parker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 4 be taken up for consideration at this time:

C.S.S.B. 4, Relating to products liability.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**(Senator Harris of Dallas in Chair)**

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

##### **SENATE BILL 4 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 2 ON SECOND READING**

Senator Montford moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 2 be taken up for consideration at this time:

**S.B. 2**, Relating to the application of the doctrine of forum non conveniens to certain actions.

**(President in Chair)**

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 2 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

**H.C.R. 19**

**H.C.R. 11**

#### **GUEST PRESENTED**

Senator Patterson was recognized and introduced to the Senate Benjamin Stilwell of Westwood Elementary School in Friendswood, who is visiting to observe the floor debate on education.

The Senate welcomed Benjamin.

#### **SENATE JOINT RESOLUTION 4 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.J.R. 4**, Proposing a constitutional amendment authorizing the issuance of \$750 million in state general obligation bonds to assist school districts in financing facilities and repealing the authorization for \$750 million in state revenue bonds guaranteed by the permanent school fund. (Submitted by Governor as an emergency matter)

The resolution was read second time and was passed to engrossment by a viva voce vote.

**(Senator Armbrister in Chair)**

**SENATE JOINT RESOLUTION 4 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.J.R. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Shapiro.

**COMMITTEE SUBSTITUTE  
SENATE BILL 131 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 131**, Relating to facilities equalization for public schools.  
(Submitted by Governor as an emergency matter)

**(President in Chair)**

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 131, page 3 to add new subsections (c) and (d) to Section 20.968 of Subchapter H, of Chapter 20 of the Education Code:

(c) The agency issuing the bonds shall attempt to include minority-owned businesses in the issuance of at least 20 percent of the bonds.

(d) The school districts which engage in facilities construction as a result of the issuance of these bonds shall attempt to include minority-owned businesses in at least 20 percent of the total value of construction contracts awarded.

ELLIS	BARRIENTOS
WEST	LUCIO
TRUAN	MONCRIEF
ROSSON	MONTFORD
ZAFFIRINI	LUNA
MADLA	

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Wentworth asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Barrientos offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 131 as follows:

Sec. 20.970. ISSUANCE AND SALE OF FACILITIES CERTIFICATES. (b) insert "the Texas Public Finance Authority" and strike "state treasurer" where it appears on line 70, page 3.

On page 5, line 23 add a new Subsection (1) to read as follows and renumber the following subsections.

(1) "the Authority" means the Texas Public Finance Authority. The Texas Public Finance Authority is created and has all statutory authority contained in Tex. Rev. Civ. Stat. Ann. Art. 601d et seq.

Sec. 2. BONDS. (a) insert "the Authority" and strike "state treasurer" where it appears on line 30, page 5.

(b) insert "the Authority" and strike "state treasurer" where it appears on line 37, page 5.

Sec. 3. FUND. (a) insert "the Authority" and strike "state treasurer" where it appears on line 44, page 5.

(a) insert "the Authority" and strike "state treasurer" where it appears on line 45, page 5.

(a) insert "the Authority" and strike "state treasurer" where it appears on lines 46-47, page 5.

(b) insert "the Authority" and strike "state treasurer" where it appears on line 48, page 5.

Sec. 4. ALLOCATION BETWEEN PROGRAMS. insert "the Authority" and strike "state treasurer" where it appears on line 64, page 5.

The amendment was read and was adopted by the following vote: Yeas 17, Nays 14.

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Luna, Madla, Moncrief, Montford, Parker, Rosson, Sims, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Nelson, Patterson, Ratliff, Shapiro, Shelley, Sibley, Wentworth.

Senator Bivins offered the following amendment to the bill:

#### Floor Amendment No. 3

Amend C.S.S.B. 131 as follows:

(1) In Section 20.962(e), Education Code (Committee Printing page 2, line 14), strike "The agency shall determine" and substitute "The agency may determine".

(2) In Section 20.962(h), Education Code (Committee Printing page 2, line 27), strike "The agency shall adopt" and substitute "The agency may adopt".

(3) In Section 20.966(a), Education Code (Committee Printing page 3, line 12), strike "commissioner of education" and substitute "State Board of Education".

(4) Strike Section 20.966(b), Education Code (Committee Printing page 3, lines 20-22) and substitute the following:

(b) A school district may appeal the State Board of Education's determination of the level of local participation to the commissioner of education.

(5) Strike Section 3(c) of Article 717w (Committee Printing page 5, lines 61-63) and substitute the following:

(c) Money in the fund may be used only to:

(1) provide aid to qualifying school districts under the basic program or the supplemental program; or

(2) administer the basic program or the supplemental program.

(6) Strike Section 4 of Article 717w (Committee Printing page 5, lines 64-70) and substitute the following:

Sec. 4. ALLOCATION BETWEEN PROGRAMS. The Texas Public Finance Authority shall allocate the proceeds of bonds sold under this article, less the costs of issuance and the estimated cost of administering the basic program and the supplemental program for the period for which the bonds were issued, as follows:

(1) 75 percent shall be allocated to the basic program; and

(2) 25 percent shall be allocated to the supplemental program.

(7) Following Section 4 of Article 717w (Committee Printing page 5, line 70), insert a new section to read as follows:

Sec. 5. LIMIT ON ADMINISTRATIVE COSTS. The cost of administering the basic program and the supplemental program in a fiscal biennium may not exceed 0.1 percent of the amount of bonds issued under this article in that biennium.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Bivins and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 131 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 131 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Nelson, Shapiro.

The bill was read third time and was passed by a viva voce vote.

#### RECORD OF VOTES

Senators Nelson and Shapiro asked to be recorded as voting "Nay" on the final passage of the bill.

**CONGRATULATORY RESOLUTIONS**

**S.R. 115** - By Sims: Congratulating Sue Ann Sims Setzler and William Ross Setzler III of Marlin on the birth of their son, Giles McKinnie Setzler.

**S.R. 116** - By Luna: Congratulating Jeffrey Gates on achieving the rank of Eagle Scout.

**S.R. 117** - By Luna: Recognizing the San Antonio Light for the contributions it has made to the San Antonio area throughout the history of its publication.

**S.R. 118** - By Luna: Commending Ed Sills, longtime Austin bureau chief, for his contributions to the San Antonio Light.

**S.R. 119** - By Haley: Recognizing Clearinghouse Update for winning two Awards of Excellence in the International Association of Business Communicators Best of Austin Awards and Evaluation Competition.

**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 12:03 p.m. adjourned, in memory of Senator Kilmer B. Corbin, Sr., until 11:00 a.m. Monday, February 1, 1993.



**In Memory  
of**

**Senator Kilmer B. Corbin, Sr.**

Senator Montford offered the following resolution:

**(Senate Concurrent Resolution 10)**

WHEREAS, The State of Texas has lost a distinguished Texan with the passing of Senator Kilmer B. Corbin, Sr., on January 7, 1993, at the age of 73; and

WHEREAS, Born June 18, 1919, in Lampasas, he was stricken with polio at the age of eight and was permanently affected by the disease on the right-hand side of his body; though bedridden for many of his early years, he made good use of his time, expanding his knowledge through extensive studying and reading about a wide variety of topics; and

WHEREAS, Senator Corbin moved to Lamesa as a young man and first became interested in politics after placing second in a statewide declamation contest while a student at Lamesa High School; and

WHEREAS, Named class president in 1937, he continued his education at Texas Tech University and, following his graduation, went on to attend The University of Texas Law School; and

WHEREAS, It was while attending law school that Senator Corbin married a local girl he knew from Lamesa, the former La Merle Scott, beginning what would prove to be an exceptionally happy and rewarding union that would span more than half a century; and

WHEREAS, Having always had a keen interest in education, Senator Corbin took a hiatus from his plan to become a lawyer to pursue an interest in teaching; a gifted educator, he later shared his expertise with others as a principal and also gave generously of his time and talents to serve as a debate coach; and

WHEREAS, At the age of 21, this remarkable gentleman was elected county judge and served the citizens of Dawson County with the utmost integrity and distinction for two terms before earning election to the Texas Senate; and

WHEREAS, Senator Corbin ably represented 24 West Texas counties in the Texas Senate from 1948 until 1956 and, during this time, gained a reputation as a lone wolf in the senate for his New Deal ideology; and

WHEREAS, A man of strong convictions, this admirable public servant made water issues one of his foremost legislative priorities and held the record until 1969 for the longest filibuster made in the senate; and

WHEREAS, Following his distinguished legislative tenure, Senator Corbin had a successful law practice in Lubbock and remained a highly respected member of the legal community there for the next three decades; and

WHEREAS, Despite his many professional interests, Senator Corbin was a devoted family man who took great pride and delight in the achievements of his children, Barry Corbin, an accomplished actor, Kilmer Blaine Corbin, Jr., and Jane Dunning; in recent years, his close-knit family had grown to include nine grandchildren and six great-grandchildren; and

WHEREAS, In all aspects of his life, Senator Kilmer B. Corbin, Sr., demonstrated unfailing wisdom, graciousness, and dedication to that which he knew to be right; though his presence will be deeply missed by all who were privileged to know him, the spirit of this remarkable individual will surely live on in the hearts of the many people whose lives he touched during his years on this earth; now, therefore, be it

RESOLVED, That the 73rd Legislature of the State of Texas hereby pay tribute to the life of Senator Kilmer B. Corbin, Sr., and extend sincere sympathy to the members of his family: to his wife, La Merle Corbin; to his children, Barry Corbin, Kilmer Blaine Corbin, Jr., and Jane Dunning; to his grandchildren, Jim Corbin, Chris Corbin, Shannon Ross, Jennifer Corbin, Cody Corbin, Kelsi Corbin, Debbie Dunning, Blake Dunning, and Dana Dunning; to his great-grandchildren, Jared, Jordan, Cori, Crystal, Trevor, and Brittany; and to the many other friends and relatives of this fine gentleman; and, be it further

RESOLVED, That when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Senator Kilmer B. Corbin, Sr.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Montford and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.